

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<u>MALIBU TEXTILES, INC.,</u>)	
)	
Plaintiff,)	
)	
v.)	
)	Docket No. 07-cv-4780 (SAS)
<u>CAROL ANDERSON, INC. and CABI, LLC,</u>)	
)	
Defendants.)	
)	
)	

**PLAINTIFF MALIBU TEXTILES, INC.'S NOTICE OF MOTION FOR SUMMARY
JUDGMENT ON LIABILITY FOR COPYRIGHT INFRINGEMENT**

PLEASE TAKE NOTICE THAT plaintiff Malibu Textiles, Inc. ("Plaintiff") hereby moves before the Honorable Shira A. Scheindlin, United States District Judge, Southern District of New York at the United States Courthouse, 500 Pearl Street, New York, New York 10007 on a date and time to be determined by the Court, for an Order granting partial summary judgment in favor of Malibu Textiles, Inc. on the grounds that there are no genuine issues of material fact as to plaintiff's claim of liability for copyright infringement against defendants Carol Anderson, Inc. and CABI, LLC, pursuant to Federal Rule of Civil Procedure 56.

In support of this motion, Plaintiff will rely upon the accompanying Memorandum of Law, the Declarations of Matthew A. Kaplan, Jolanda Kramm, Oswin Fishbach and Mitchell Naidrich and the exhibits attached thereto, Plaintiff's Local Civil Rule 56.1 Statement of Undisputed Facts, and all the pleadings herein.

Dated: New York, New York
April 17, 2008

Respectfully submitted,

COWAN, DeBAETS, ABRAHAM &
SHEPPARD LLP

By: 
Nancy E. Wolff
Matthew A. Kaplan

41 Madison Avenue, 34th Floor
New York, New York 10010
Tel: (212) 974-7474
Fax: (212) 974-8474

*Attorneys for Plaintiff
Malibu Textiles, Inc.*

TO: Harlan M. Lazarus, Esq.
Lazarus & Lazarus, P.C.
240 Madison Avenue
New York, New York 10016

Attorneys for Defendants Carol Anderson, Inc. and CABI, LLC